

# EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**MEMPHIS BASKETBALL, LLC,**

**Petitioner,**

**vs.**

**MISC. NO. 2:23-mc-00028**

**SETON HALL UNIVERSITY, KEVIN  
WILLARD, TONY TESTA, DEJA CRAIG,  
JOHN OR JANE DOES 1-10,**

**Respondents.**

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**CONSENT ORDER OF DISMISSAL**

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Before the Court is Petitioner, Memphis Basketball, LLC's ("Memphis Basketball"), Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14).

On July 14, 2021, Myles Powell filed suit against Seton Hall University, Kevin Willard, and Tony Testa (collectively the "Respondents") in the Superior Court of New Jersey, Essex County Civil Division (the "Underlying Case"). The Underlying Case was removed by Respondents to the United States District Court for the District of New Jersey, where it was assigned as Case No. 2:21-cv-13709- WJM-JSA.

On July 13, 2024, Respondents served Memphis Basketball with a subpoena duces tecum (the "Subpoena") from the Underlying Case. Pursuant to Fed. R. Civ. P. 45, Memphis Basketball moved to quash the Subpoena. In response, Respondents moved to transfer the Petition to Quash

to the United States District Court for the District of New Jersey, or alternatively, compel Memphis Basketball's compliance with the Subpoena.

By agreement of the parties, Memphis Basketball will produce certain redacted documents, which have been reviewed and agreed to by Respondents. Accordingly, by consent, Memphis Basketball has complied with the Subpoena and Memphis Basketball's Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14) are all moot and **DISMISSED**.

**IT IS SO ORDERED**, this \_\_\_\_\_ day of September, 2023.

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SHERYL H. LIPMAN  
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ Richard Glassman  
RICHARD GLASSMAN (TN # 7815)  
EDWIN E. WALLIS III (TN # 23950)  
BRIAN GARROTT (TN #39034)  
Glassman, Wyatt, Tuttle & Cox, P.C.  
26 North Second Street  
Memphis, TN 38103  
Telephone: (901) 527-4673  
Fax: (901) 521-0940  
Email: [rglassman@gwtclaw.com](mailto:rglassman@gwtclaw.com)  
Email: [ewallis@gwtclaw.com](mailto:ewallis@gwtclaw.com)  
Email: [bgarrott@gwtclaw.com](mailto:bgarrott@gwtclaw.com)  
***Attorneys for Memphis Basketball, LLC***

/s/ Andrew Sanders  
ANDREW B. SANDERS (TN # 24690)  
STITES & HARBISON, PLLC  
6410 Poplar Ave., Ste. 180  
Memphis, TN 38119  
Telephone: (901) 866-8977  
Fax: (901) 805-2226  
Email: [asanders@stites.com](mailto:asanders@stites.com)  
***Attorney for Seton Hall Respondents***